

REMARKS

Claims 1-5, 7-10, 13, 19-27 and 29-30 were previously pending, of which claims 1, 7, 8 and 20 have been amended. Reconsideration of presently pending claims 1-5, 7-10, 13, 19-27 and 29-30 is respectfully requested in light of the above amendments and the following remarks.

Rejections under 35 U.S.C. §112

Claims 1-5, 7-10, 13, 19-27 and 29-30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to the claims as herein amended, this rejection is respectfully traversed. Claims 1 and 20 have been amended to remove the clauses to which the Examiner takes issue. The Applicants respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. §103

Claims 1-5, 7-8, 13 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida et al (US Patent No. 6,212,518 hereinafter referred to as "Yoshida") in view of Mir (US Patent No. 6,938,081 hereinafter referred to as "Mir") and in further view of Shapiro et al (US Patent No. 7,434,048 hereinafter referred to as "Shapiro"). Claims 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Mir and in further view of Shapiro and Kuo (US Publication No. 2005/0021165 hereinafter referred to as "Kuo"). Claims 20-23 and 25-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Shapiro and in further view of Kuo. Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshida in view of Shapiro and in further view of Kuo and Oppedahl et al (US Patent No. 6,789,092 hereinafter referred to as "Oppedahl"). Applicants traverse these rejections on the grounds that the references are defective in establishing a *prima facie* case of obviousness with respect to the listed claims.

Claim 1 recites: "an estimation module configured to analyze the information of the customer determined by the extraction module, and evaluate for an impact to the customer by a revision of the technology process, wherein the estimation module provides a list of a plurality of

customers who are impacted by the revision of the technology process using the determination that the customer has accessed the at least one document..."

The Examiner asserts that Yoshida provides the elements of the claim except that it "fails to explicitly disclose determining a customer who has accessed the at least one documents; and an estimate [sic] module." OA dated 6/23/10 (hereinafter "OA") at pg. 4. The Examiner asserts that Mir and Shapiro provide this functionality. Id at pgs. 4-5. The Applicants respectfully disagree.

Specifically, the Examiner asserts that "Shapiro et al. discloses controlling access to electronic documents with the concept of determining who has accessed a document (Col. 4, Lines 43-65, via creating an audit trail which records when a document was accessed, from where, and by whom)." OA at pg. 5. The cited portion of Shapiro is reproduced below.

The invention can be implemented to realize one or more of the following advantages. Sophisticated control over who
45 may access renditions of electronic documents can be achieved. The access control can be extended to times after which an electronic document has left the document repository, and is not limited to when the electronic document resides in the document repository. The access policies that
50 are already part of the document management system can be used. Since the access policies of the document repository are used, an administrator does not have to learn how to administer a separate policy server, back up its data, and so on. Consequently, there is no need for a separate set of rights
55 management policies, which is the case in conventional document management applications. Since no separate rights management policies need to be defined, the access policies for an electronic document are always up to date, that is, as soon as an access policy changes for an electronic document
60 in the document repository, the changes will also affect any rendition that has been accessed and stored locally at a user's location. It is also possible to track data relating to an electronic document in the repository—for example, an audit trail can be created recording when the document was accessed,
65 from where, by whom, and so on.

Even assuming, arguendo, that the Examiner appropriately characterized the cited portion of Shapiro, the Examiner's description does not read upon the claims. The claims do not merely described determining someone who has accessed a document and tracking that occurrence, as

the Examiner appears to contend Shapiro illustrates. In contrast, claim 1 describes "provid[ing] a list of a plurality of customers who are impacted by the revision of the technology process using the determination that the customer has accessed the at least one document." Emphasis added. Shapiro discusses forming "an audit trail" which can record "when the document was accessed, from where, by whom, and so on." Col. 4, lns. 63-65. It does not teach or suggest using the determination that a customer has accessed a document to provide a list of customer's who are impacted by a revision.

The Examiner's combination of Yoshida, Mir and Shapiro does not cure this deficiency. The Examiner asserts:

[F]rom the teaching of Shapiro et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yoshida et al. and Mir combination to include determining who has accessed a document as taught by Shapiro et al in order to aid in monitoring and controlling access to documents and identifying the responsible parties for any modifications that may have been made to the documents

OA at pg. 5. The Examiner's statements are irrelevant to the claims and do not show why one of ordinary skill in the art would have modified Yoshida, Mir, and Shapiro's teachings to use the determination of a customer that has accessed a document to determine a list of customers who are impacted by a revision in the technology process.

The claims should not and can not be "treated...as mere catalogs of separate parts, in disregard to the part-to-part relationships set forth in the claims that give the claims their meaning." *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1459 (Fed. Cir. 1984). In the present case, the Applicants respectfully submit that the Examiner is not properly considering the claims and the relationships described therein.

Furthermore, the *KSR* case teaches that when combining elements from different references, it is important to determine whether the element is performing "the same function it had been known to perform." *KSR* at 1740. As the Examiner's own analysis makes clear, the function of the teachings of Shapiro, which are directed to an audit trail are completely changed in the Examiner's asserted combination.

Thus, for this independent reason alone, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Further reasons illustrating that the Examiner has not provided a *prima facie* case of obviousness were provided in the Applicant's previous response and will be maintained should an appeal be necessary. See, e.g., Response filed March 31, 2010.

Independent Claim 20

Claim 20 recites "wherein the customer impact estimation system searches according to the search scope and the search scheme, a microelectronics fabrication design technical documents database that includes information related to the technology process to determine a customer impacted by the revision, wherein the determination of the customer impacted by the revision includes determining the customer has accessed a document of the microelectronics fabrication design technical documents database". As discussed above, the rejection of claim 20 is respectfully traversed.

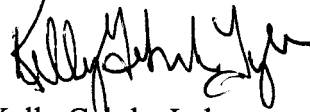
Dependent Claims 2-5, 7-10, 13, 19, 21-27 and 29-30

Dependent claims 2-5, 7-10, 13, 19, 21-27 and 29-30 depend from and further limit independent claims 1 and 20 and therefore are deemed to be patentable over the prior art.

CONCLUSION

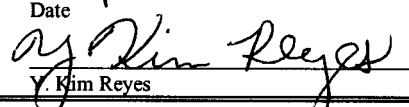
An early formal notice of allowance of claims 1-5, 7-10, 13, 19-27 and 29-30 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,



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